



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

FEB 11 2015

**CERTIFIED MAIL 7009 1680 0000 7677 7902**  
**RETURN RECEIPT REQUESTED**

REPLY TO THE ATTENTION OF:

Mr. Terry Traeger  
Rubber Products Manager  
American Roller Company, LLC  
1440 13<sup>th</sup> Avenue  
Union Grove, Wisconsin 43182

Re: Notice of Violation  
Compliance Evaluation Inspection  
WID060439965

Dear Mr. Traeger:

On September 11, 2012, a representative of the U.S. Environmental Protection Agency inspected the American Roller Company, LLC ("ARC") facility located in Union Grove, Wisconsin. As a large quantity generator of hazardous waste, ARC is subject to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq. (RCRA). The purpose of the inspection was to evaluate ARC's compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment and storage of hazardous waste. A copy of the inspection report is enclosed for your reference.

Based on information provided by ARC, EPA's review of records pertaining to ARC, and the inspector's observations, EPA has determined that ARC has unlawfully stored hazardous waste without a license or interim status as a result of ARC's violation of certain requirements for a license exemption under Wis. Admin. Code § NR 662.034(1)-(3). EPA has identified the license exemption requirement(s) violated by ARC as of the date of the inspection in the paragraphs below.

**STORAGE OF HAZARDOUS WASTE WITHOUT A LICENSE OR INTERIM STATUS**

At the time of the inspection, ARC violated the following large quantity generator license exemption requirements:

1. **Date When Each Period of Accumulation Begins**

Under Wis. Admin. Code § NR 662.034(1)(b) [40 C.F.R. § 262.34(a)(2)], a large quantity generator must clearly mark each container holding hazardous waste with the date upon which each period of accumulation begins.

At the time of the inspection, ARC stored in the 90-day hazardous waste storage area two 55-gallon drums of hazardous waste which were not marked with the date upon which each period of accumulation of hazardous waste began.

Note: This violation was abated at the time of the inspection. EPA is not requesting further information regarding this violation.

## 2. Hazardous Waste Container Labeling

Under Wis. Admin. Code § NR 662.034(1)(c) [40 C.F.R. § 262.34(a)(3)], a large quantity generator must label or clearly mark each container holding hazardous waste with the words "Hazardous Waste."

At the time of the inspection, ARC stored in the 90-day hazardous waste storage area two 55-gallon drums (the same as those identified in paragraph 1, above) which were not labeled with the words "Hazardous Waste."

Note: This violation was abated at the time of the inspection. EPA is not requesting further information regarding this violation.

## 3. Use and Management of Containers

Under Wis. Admin. Code §§ NR 662.034(1)(a)1 and 665.0174 [40 C.F.R. §§ 262.34(a)(1)(i) and 265.174], a large quantity generator must inspect areas where containers are stored at least weekly.

At the time of the inspection, according to the inspection log, ARC was not consistently conducting weekly inspections of their 90-day hazardous waste storage area.

## 4. Content of Contingency Plan

Under Wis. Admin. Code §§ NR 662.034(1)(d); 665.0052(3) - (5) [40 C.F.R. §§ 262.34(a)(4); 265.52(c) - (e)], a large quantity generator must, among other things, include the following information in a facility contingency plan:

- a description of arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services;
- a list of names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator and this list must be kept up to date;
- a list of all emergency equipment at the facility, where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

At the time of the inspection, the facility contingency plan did not include a description of arranged emergency services. Also, the plan listed as emergency coordinator Joe Somodi, who was no longer serving in that capacity. Lastly, the plan did not include physical descriptions or capabilities of available emergency equipment at the facility.

Note: ARC sent an updated contingency plan to Sue Brauer in an email dated September 26, 2012. In this email, ARC stated that the Emergency Coordinator list was updated and attached. This list was not included as an attachment. Also, the updated plan did not include a list of emergency equipment with descriptions and capabilities of each item. The arrangements with each of the above emergency service providers were not included in the updated plan.

##### 5. Copies of Contingency Plan

Under Wis. Admin. Code §§ NR 662.034(1)(d); 665.0053(2) [40 C.F.R. §§ 262.34(a)(4); 265.53(b)], a large quantity generator must submit a copy of the contingency and all revisions to all local police departments, fire departments, hospitals and state and local emergency response teams that may be called upon to provide emergency services.

At the time of the inspection, ARC had not submitted the contingency plan to all of the above emergency service providers.

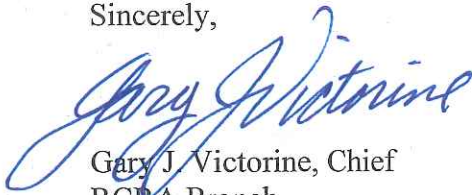
Note: In an email dated November 9, 2012, ARC sent verification that the contingency plan had been routed to the Fire Department and Police Departments on October 31, 2012, but not to the hospital or to the state and local emergency response teams.

**Summary:** By violating the requirements for a license exemption, as listed above, ARC became an operator of a hazardous waste storage facility, and was required to obtain a Wisconsin hazardous waste storage license. ARC failed to apply for such a license. ARC's failure to apply for and obtain a hazardous waste storage license violated the requirements of Wis. Admin. Code §§ NR 680.30, 680.31, and 680.32 [40 C.F.R. §§ 270.1(c), and 270.10(a) and (d)].

During the inspection, as observed by EPA, and after the inspection, as documented in emails to EPA, you took certain actions to establish compliance with the above conditions. Please see the "Note" at the end of paragraphs 1, 2, 4, and 5, above to see what actions have been taken. According to Section 3008(a) of RCRA, EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both. Although this letter is not such an order or a request for information under Section 3007 of RCRA, 42 U.S.C. § 6927, we request that you submit a response in writing to us no later than 30 days after receipt of this letter documenting the actions, if any, you have taken related to paragraphs 3, 4, and 5, above. You should submit your response to Brenda Whitney, U.S. EPA, Region 5, 77 West Jackson Boulevard, LR-8J, Chicago, Illinois 60604."

If you have any questions regarding this letter, please contact Brenda Whitney, of my staff, at 312-353-4796 or at [whitney.brenda@epa.gov](mailto:whitney.brenda@epa.gov).

Sincerely,



Gary J. Victorine, Chief  
RCRA Branch

Enclosure

cc: Michael Ellenbecker, WDNR, [Michael.Ellenbecker@wisconsin.gov](mailto:Michael.Ellenbecker@wisconsin.gov)